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Labor Center Assoc. Committee to Defeat...

Defeat the constitution [of New York State]

New York

1915

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PASS IT ON TO YOUR FRIENDS

DEFEAT THE CONSTITUTION

Until a freak of fate brought us a Constitutional Convention composed of Tories at a time when the country trembled on the brink of a world war, American public life looked forward—not backward. This Constitution takes the back trail. On vital issues it has nothing to say. Vote "No" on its adoption.

Statement of the Committee

We have no doubt that the president of the Constitutional Convention and many of his fellow-patriots elected to serve the people of this State, sincerely believed that an autocratic form of government, such as outlined in this Proposed Constitution, is the most efficient, the most easily controlled—we will not say by whom—and the safest form of government for the people of the State of New York. In the government of our states and our cities, they fear the power of the representatives of the people and the people themselves, who are still democratic at heart.

Some of the western states are making real democracy possible: first, by giving to all citizens equal suffrage, and second, by placing in the hands of the people the most effective instruments of a democratic power to control the actions of their elected representatives, namely, the initiative, referendum and recall.

To these advances should be added, in our opinion, proportional representation which gives due representation to each large minority while retaining rule by the majority. Our next door neighbors in Ohio, in 1912, adopted a Constitution which gives to the people these rights:

10% of the people may propose any amendment to the Constitution.

3% may propose any General Law desired by the people.

6% may demand Referendum of any law passed by the General Assembly.

The advocates of these measures believe that democracy in this country has not had a fair trial, and, although they do not fail to perceive and acknowledge the failure of the governments of many of our states and most of our cities, yet they say that the remedy for these failures is not an autocratic form of government and the placing of arbitrary power in the hands of appointed or elected officials, who cannot be reached with the power of recall, but that the remedy for the failure of democracy is more power in the people. This, it seems to us, is the fight which we have on our hands in this State during the coming week.

DR. FREDERIC C. HOWE, United States Commissioner of Immigration, Port of New York, says:

"My chief objection to the Constitution is that we are asked to accept a wholly undemocratic instrument, twenty years of litigation and interpretation, a multitude of ambiguities, which even the makers of the Constitution cannot explain, on the ground that a slight advance is made in efficiency and executive responsibility. The ambiguities are all obstacles to democracy, to social and industrial legislation.

"Privilege has no difficulty with constitutions; it is only progressive measures that find stumbling blocks in them. And no one contends that the Constitution extends the power of the people or gives them any real control over their government, such as every recent Constitution adopted in the last ten years contains.

"Privilege is written into this Constitution. The Public Service Commissions, which when provided for were opposed by every public service corporation in the State have now become the bulwark of privilege and are embedded in the Constitution. The Home Rule provisions for the cities are inadequate. They are ambiguous. I believe that the Constitution makes law worse off than it was before. In 1916 we will automatically vote on whether we will have a Constitutional Convention. There is every reason to believe that we will get a more democratic instrument then than now."

SPECIAL: Vote YES on Amendment No. 1 giving Suffrage to Women.

SEND A LETTER TO YOUR NEWSPAPER AT ONCE SAYING YOU ARE OPPOSED TO THE CONSTITUTION.

Abstract from Letter of Hon. Edgar M. Cullen, former Chief Justice of the Court of Appeals, to the People of New York State:

During the Civil War in 1885

"The Court decided that, 'A citizen not connected with the military service and resident in the State where the courts are open and in the proper exercise of their jurisdiction cannot, even when the privilege of habeas corpus is suspended, be tried, convicted or sentenced otherwise than by the ordinary courts of law.' In answer to the plea of the necessity of military trials to save the country, the Court said: 'If this were true, it could be well said that a country, preserved at the sacrifice of all the cardinal principles of liberty, is not worth the cost of preservation.'"

The Failure of the Convention

"It will be urged that the convention did not pass on the issue of which I am writing. I insist that the official record which I have quoted shows that it did. It is elementary law that silence by an individual, under circumstances that it would be natural for him to speak, is usually equivalent to an admission of a charge against him. The same rule obtains as to the construction of written documents and of constitutions and statutes."

No More West Virginian Despotism

Judge Cullen then shows that in the year 1912, during the coal strikes in West Virginia, the military tribunals violated the doctrine laid down in the Milligan case—universally accepted for a generation—and despite Federal and State constitutional prohibitions, the Supreme Court of West Virginia upheld the unlawful convictions by military commissions.

"Whatever may be the pleas, the excuses or justification for the action of the convention, whatever may be said to minimize the question involved, this thing is absolutely certain: That if the Constitution is rejected at the coming election the next Bill of Rights will contain the provision against military courts that the convention has rejected. Reject this Constitution and the doctrine of the West Virginia decisions will be followed by no other court in this country."

FRANK L. POLK, Counselor of the State Department:

"In the light of my experience as Corporation Counsel, I feel that the people of New York City have little to gain from the adoption of the proposed Constitution. Home rule is the crying need of the cities of this State, but the proposed Constitution is scarcely less grudging in this regard than the old. While it makes a specious show of granting larger powers of self-government, it limits every concession with clauses that make it useless and ineffective. New York City can expect nothing better than to be embroiled in endless litigation if the Constitution is adopted. . . .

"It seems to me that there are many other defects in the proposed Constitution, and that much of the good it contains may be secured through legislative action."

JAMES H. DAHM, former President Typographical Union No. 6, New York City, says:

"The proposed amendments do not in any way tend to enlarge the opportunities for citizenship, for freedom or for the development of citizenship. This was exemplified when the leaders of the convention absolutely ignored us in our endeavors to have incorporated in the Bill of Rights the clause that the militia of the State should have no control over a prisoner while there was a court of competent jurisdiction open and to whom he could be turned over for trial."

ALGERNON LEE, Educational Director of the Rand School of Social Science, says:

"This scheme is defended on grounds of efficiency and economy. These are fine watchwords, but, like all watchwords, they may be deceptively used. It is not enough to tell us that this plan will make our State government efficient and economical. We must ask: Efficient for what? Economy for whom? The Socialists and Trade Unionists of the State are convinced that it would be an efficient instrument in the hands of the oligarchy of wealth and would economize the taxable income of the rich at the expense of the vital interest of the poor. They desire efficiency and economy, yes, but Democratic efficiency and economy of human life and welfare. That is one reason why they will do all in their power to defeat the proposed Constitution at the polls."

DEMANDS OF THE STATE FEDERATION OF LABOR

The following are the amendments adopted at the conference of the State Federation May 24th, 1915, submitted to the Constitutional Convention by its committee and defeated in the Constitutional Convention.

(1) To provide that the writ of habeas corpus shall never be suspended and that military tribunals shall not exercise civil or criminal jurisdiction over citizens while the regularly constituted state courts are open to administer justice.

(2) For defining labor's rights in the bill of rights in terms similar to the trades disputes act of Great Britain.

(3) For empowering the legislature to protect men, women and children in factories, shops and other places of employment by restriction of hours, wages and conditions found necessary.

(4) For ample power to enable the State to secure workers against accident, sickness, invalidity, old age and unemployment.

(5) For the extension of popular rule and control of officials by the initiative, referendum and recall.

(6) For securing minority representation in legislative bodies by providing for proportional representation.

(7) To provide a state fund, to insure employers against the risk of workmen's compensation, to the exclusion of every other form of compensation insurance.

(8) To provide against future partisan raids on the Labor Department and the Compensation Commission by providing for the above offices in the Constitution under article dealing with state officers.

Demand the abolition of capital punishment.

Only two of the twenty-six demands of the State Federation of Labor were allowed, and these only because other interests wanted them.

IT IS UNNECESSARY TO REMIND YOU "that the intelligent united attitude of the organized 700,000 workers of this State, and the larger army of unorganized workers, whose rights and interests are identical with ours, can save us from a reactionary Constitution. We wish to call attention to, and to emphasize, the provisions of Section 2, Article 14, of the State Constitution. If the Constitution shall be defeated at the coming election our present Constitution remains in full force and effect, and by its terms, in 1916 the question, 'Shall there be a Convention to revise the Constitution and amend the same?' will be submitted to the voters. If the voters decide to hold a new Constitutional Convention, the delegates to that convention will be elected in the year 1917, politically an 'off' year, and the deliberations of the convention will be held beginning in April, 1918—therefore, failing in our demands at the present Constitutional Convention, we need not despair. The agitation which this Constitutional Convention has provoked will arouse the people of the State to the importance of a Democratic constitution. When the election of delegates is held, in 1917, instead of permitting by their indifference the election of the agents and attorneys of the vested interests of the State, the PEOPLE will elect progressive and free representatives of the largest class in numbers—the workers and the plain people of the State."—Extract from the final report of the Committee on Constitutional Convention of the New York State Federation of Labor, **Chairman James P. Boyle, President of the Brooklyn Central Labor Union.**

GRABBING THE PEOPLE'S WATER-POWER

Directly Opposite to What Los Angeles Has Done in Its Municipal Electric Works

By ISAAC RUSSELL

In addition to its direct drive all along the line at democratic control, this Constitution conceals, as its chief joker, the biggest water-power grab yet attempted in the Empire State.

The water-power sought is in the steep streams that flow down the slopes of the Adirondacks, and in the Long Sault rapids of the St. Lawrence. These furnish the greatest water-power in America still in the people's hands. Four words in the present Constitution alone keep these water-powers from the grabbers. These words throw about them the protection of the Adirondack reserve.

A complacent Republican legislature voted them away once. The courts nullified the grants on the grounds that the Constitution forbade them. The grabbers, comprising the chief Republican political rings of the northern counties, waited, watched and worked.

They waited to slay the old Constitution. I met these men while reporting the campaign of Gov. Whitman up in the northern counties. I learned how keenly they felt the lack of a chance to grab the water-powers. They were the Republican organization. The late Congressman Ed. Merritt, who put through the Legislature the original grab, was their spokesman and candidate for Congress. They elected him and they elected themselves to the Constitutional Conven-

tion. Earnest men of Plattsburg, of that whole section who want the water-power for the people, write me, urging that Section I of Article VII of the Constitution was written by the water-power lobby, is just what they want, is a means to get around every present restriction. In connection with Chapter 662, Laws of New York, 1915, it gives the grabbers unheard-of liberties with the public domain. This is a treacherous measure conceived in dishonesty to "get by" with something that never could "get by" if frankly and openly avowed.

Congressman MEYER LONDON says:

"The proposed Constitution is not an improvement. It retains all the mistakes and the shortcomings of the past. It blocks every effort to give expression to the awakened social conscience. It puts additional limitations upon the power of the people and vests extraordinary power in the Governor. It completely disregards twenty years of intense progress made since the adoption of the Constitution."

JAMES P. HOLLAND, President, State Federation of Labor, says:

"Of all the union men I have met in ten days, not one was in favor of the Constitution. But that experience should not make us relax our efforts. We are asking every union man in the State to give his reasons why it should be beaten. We care nothing about the political side, but we are mightily concerned about the provisions that are a menace to our citizenship and are there merely because certain privileged interests required them."

A Recent Experience of "Mother" Jones, White-Haired and Eighty-four Years Old, and the Most Conspicuous Victim of Military Despotism

"There was a soldier, with a bayonet, posted outside my door, there was one outside of the window, and the headquarters were in the next room. For nine long weeks I never saw a human being (I don't count the soldiers human), except my attorney, Mr. Hawkins, once, and Mr. Clark, another attorney,came to get me to sign the application for habeas corpus. The district Judge refused to grant the writ of habeas corpus, a book or a paper. No friends; no one was allowed to communicate with me or see me. I was simply in the hands of the Military. A fellow by the name of Colonel Davis came and asked me if the Governor wanted to see me would I go into Denver to see him? I said, "While I have no respect for the Governor, I have for the office he holds, so I will comply with your request." The Santa Fe was pulled away out on the crossing or switch, from the station, where nobody could see what was going on. I was somewhat relieved when I was put into the sleeper, taken into Denver, and I was turned loose. The General said I was free. Then I rang up my attorney, Mr. Hawkins, and he came down. He said, "They kidnapped you." "I don't know what they did," says I, "but I am here."

ISSUED BY

THE LABOR CENTER ASSOCIATION COMMITTEE

TO DEFEAT THE CONSTITUTION

DARWIN J. MESEROLE, Chairman — HARRY M. BREMER, Secretary

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Headquarters: Union Square Hotel, New York City

☛ Labor Forum opens with FRANK P. WALSH, Sunday, November 7th, 1915, at 8 P. M., Municipal Auditorium, Irving Place and 17th Street, one Block from Union Square. ☚

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LABOR CENTER ASSOCIATION

COMMITTEE TO DEFEAT THE CONSTITUTION

Appointed at the Constitutional Luncheon, Union Square Hotel, Oct. 9, 1915

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